

CSD 1185 [03/01/15] Name, Address, Telephone No. & I.D. No.

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UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re Tierra del Rey LLC

Debtor.

BANKRUPTCY NO. 15-04253-LT11

AP Mortgage Company

Moving Party

RS NO. MW-1

Tierra del Rey LLC (Debtor-in-Possession; U.S.
 Trustee

Respondent(s)

NOTICE OF FILING OF A MOTION FOR RELIEF FROM AUTOMATIC STAY

TO THE ABOVE NAMED RESPONDENT(S)¹:

YOU ARE HEREBY NOTIFIED that a Motion for Relief from the Automatic Stay provided by § 362 of the Bankruptcy Code has been filed. If you object to the Court granting relief from the automatic stay as requested in the Motion, **YOU MUST, WITHIN 11² DAYS FOLLOWING THE DATE OF SERVICE OF THIS NOTICE OF MOTION ON YOU:**

1. Obtain a hearing date and time from the appropriate Courtroom Deputy for the judge assigned to this bankruptcy case. Determine which deputy to call by looking at the Bankruptcy Case No. in the above caption of this notice. If the case number contains the letter:

-	MM	-	call (619) 557-7407	-	DEPARTMENT ONE (Room 218)
-	LA	-	call (619) 557-6594	-	DEPARTMENT TWO (Room 118)
-	LT	-	call (619) 557-6018	-	DEPARTMENT THREE (Room 129)
-	PB	-	call (619) 557-5157	-	DEPARTMENT FOUR (Room 328)
-	CL	-	call (619) 557-6019	-	DEPARTMENT FIVE (Room 318)
2. File with the Clerk of the Bankruptcy Court, at the address shown above, the original and one copy of:
 - (a) an "OPPOSITION TO MOTION"² (for real or personal property, use Form CSD 1161 of this Court);
 - (b) a "DECLARATION IN OPPOSITION TO THE MOTION"²; and
 - (c) a separate "REQUEST AND NOTICE OF HEARING ON MOTION," using Form CSD 1186 of this Court (this form may be obtained from the Office of the Clerk);
3. Serve a copy of these documents on the [Attorney for the] Moving Party named in the upper left hand corner.
4. Serve a copy of these documents on each of the additional parties as required by Local Bankruptcy Rule 4001-3.

IF YOU FAIL TO FILE WITH THE CLERK AND SERVE ON THE MOVING PARTY YOUR REQUEST FOR HEARING AND THE DECLARATION IN OPPOSITION TO MOTION WITHIN THE 11-DAY² PERIOD PROVIDED BY THIS MOTION, THE COURT MAY GRANT THE MOVING PARTY RELIEF FROM THE AUTOMATIC STAY WITHOUT FURTHER NOTICE TO YOU OR A HEARING.

Dated: August 27, 2015

/s/Michael Wright

[Attorney for] Moving Party

ALL PLEADINGS RELATED TO THIS PARTICULAR RS ACTION MUST CONTAIN THE ABOVE CAPTION

¹Local Bankruptcy Rule 4001-2, printed on the reverse side, governs service of this notice.

²If you were served electronically or by mail, you have three (3) additional days to act as specified above pursuant to Fed. R. Bankr. P. 9006(f). Instructions for the Respondent and the date of service of this notice indicated in the Certificate of Service are printed on the reverse side.

1. **ALL PLEADINGS RELATED TO THIS PARTICULAR RS ACTION MUST CONTAIN THE ABOVE CAPTION.**
2. **INSTRUCTIONS TO RESPONDENT:** If you file a "Declaration in Opposition to the Motion," it must be signed by the respondent under oath; and
 - (1) identify the interest of the respondent in the property;
 - (2) state with particularity the grounds for the opposition;
 - (3) if respondent is the debtor or the trustee, state the provable value of the property specified in the Motion and the amount of equity which would be realized by the debtor after deduction of all encumbrances; and
 - (4) contain a statement as to competence of the declarant and the foundation for any opinion therein.
3. **INSTRUCTIONS TO MOVING PARTY:** Local Bankruptcy Rule 4001-2 provides that:
 - "(a) A motion for stay relief . . . must:
 - "(1) name the debtor, co-debtors, and the trustee, as respondents;
 - "(2) state with particularity the relief or order sought and the grounds for such relief or order;
 - "(3) state the status of any pending foreclosure, repossession, or unlawful detainer proceeding;
 - "(4) if the motion is filed in a chapter 11 or 13 case and if nonpayment of any post-Petition payment is a ground for relief, provide an accounting of each post-Petition payment received, the amount and date received, and date posted to the account;
 - "(5) where the value of an asset is relevant, provide admissible evidence of value and any known encumbrances; and
 - "(6) if the motion is brought for cause, provide admissible evidence of the specific facts that constitute such cause."
 - "(b) Service. The Movant must serve the motion, together with Local Form CSD 1185, on the debtor, co-debtor, any counsel for the debtor, the trustee, and other Entities or Individuals entitled to receive notice of default or notice of sale under applicable non-bankruptcy law governing foreclosure of real or personal property which is the subject of the motion."

**** MOTIONS FILED AFTER THE CASE IS CLOSED ARE NOT ENTITLED TO A REFUND OF FEES**

[The Certification of Service must accompany the Notice of Motion printed on the reverse and any motion for entry of a default order pursuant to Local Bankruptcy Rule 4001-5(a).]

CERTIFICATE OF SERVICE

I, the undersigned whose address appears below, certify:
That I am, and at all relevant times was, more than 18 years of age;

That on 27th day of August, 2015 [DATE OF SERVICE³], I served a true copy of this NOTICE OF FILING OF A MOTION FOR RELIEF FROM AUTOMATIC STAY, together with a copy of the Motion for Relief from Stay and [describe any other papers]:

Declaration of Paul Taccone; Declaration of Jeffrey A. Stark, Declaration of Curtis Gabhart, Points & Authorities

by [describe mode of service]:

US Mail, First Class, postage prepaid

on the following persons [set forth name and address of each person served] and/or as checked below:

☒ Attorney for Debtor (or Debtor), if required:

Tierra del Rey LLC (Debtor-in-Possession), 2607 First Ave., Suite 1, San Diego, CA 92103
K. Todd Curry, Curry Advisors, PLC (Attorney for Debtor), 525 B. Street, #1500, San Diego, CA 92101
United States Trustee (Attention: Kristin Mihelic), 402 W. Broadway, #600, San Diego, CA 92101
David M. Hershon, Esq. (Attorney for Fannie Mae), 27422 Portola Pky, #360, Foothills Ranch, CA 92610

Also, see attached service list

☒ For Chpt. 11 & 12 cases:
UNITED STATES TRUSTEE
Department of Justice
402 West Broadway, Suite 600
San Diego, CA 92101

☐ For ODD numbered Chapter 13 cases:
THOMAS H. BILLINGSLEA, JR., TRUSTEE
401 West "A" Street, Suite 1680
San Diego, CA 92101

☐ For EVEN numbered Chapter 13 cases:
DAVID L. SKELTON, TRUSTEE
525 "B" Street, Suite 1430
San Diego, CA 92101-4507

I certify under penalty of perjury that the foregoing is true and correct.

Executed on August 27, 2015
(Date)

Michael Wright /s/Michael Wright
(Typed Name and Signature)

5190 Governor Drive, #207
(Address)

San Diego, CA 92122
(City, State, ZIP Code)

³This DATE OF SERVICE commences the time period for responding to Motion.
CSD 1185

Tierra Del Rey
USBC Case No. 15-2015-04253-LT11

Service List

Aloha City Pest Control Inc 340 West 26th Street San Diego, CA 92102	Cox Cable PO Box 79171 5251 Federal Blvd San Diego, CA 92105	Edco Disposal Corp PO Box 6208 6670 Federal Blvd Lemon Grove, CA 91945
Foothills Pool Service PO Box 274 La Mesa, CA 91945	Franchise Tax Board Bankruptcy Section MS A-340 PO Box 2952 Sacramento, CA 95812-2952	HD Supply 10641 Scripps Summit Court San Diego, CA 92131
Helix Water District PO Box 513597 La Mesa, CA 91945	Home Depot Credit Card PO Box 182676 Columbus, OH 43218-2676	Howard Burns, Esq 8880 Rio San Diego Dr. Suite 800 San Diego, CA 92108
Jamie Jo Hlavin 110 Maple Street San Diego, CA 92103	JES Taxes 606 Cassidy Street, Suite A Oceanside, CA 92054	Marlin Leasing Corporation 300 Fellowship Road Mount Laurel, NJ 08054
Michael C. Dallo Tax Attorney & CPA 406 9th Avenue, Suite 212 San Diego, CA 92101	Pitney Bowes PO Box 371874 Pittsburgh, PA 15250-7874	Preston Delery and Cassandra Inzunza 225 Broadway, Suite 2100 San Diego, CA 92101
SSD Systems Security Signal 1740 N. Lemon Street Anaheim, CA 92801		